

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMNON MEIR, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

ALVARION LTD,

Defendant.

No. C 07-00374 JSW

**ORDER RE MOTIONS FOR
CONSOLIDATION AND TO
APPOINT LEAD PLAINTIFF**

Now pending before the Court in the above-captioned matter are motions to be appointed lead plaintiff. Plaintiff Amnon Meir filed this putative securities class action on January 19, 2007 against defendant Alvarion LTD ("Alvarion"). Three other plaintiffs then filed putative securities class actions against Alvarion. On February 2, 2007, Plaintiff Madfred Hacker filed an action in the Northern District of California, 07-00719 JSW ("Hacker action"). On February 13, 2007, Plaintiff Paul Berger filed an action in the Southern District of New York, 07-01007 SHS, and on March 12, 2007, plaintiff Iving Braun filed one in the Southern District of New York, 07-02096 SHS (collectively, "New York Cases").

Relation and Consolidation

On April 5, 2007, Alvarion filed a notice of related cases, alerting this Court to the possibility that the Hacker action and the New York Cases may be related to the above-captioned matter. However, to date, no party has filed an administrative motion to consider whether the cases should be related as required by Northern District Civil Local Rule 3-12(b). Moreover, although motions to transfer the New York cases to this district have been filed, they

1 have not been resolved. Unless and until the New York cases are transferred here, the Court
2 cannot relate or consolidate those cases with the cases currently before it.

3 **Motions to be Appointed Lead Counsel**

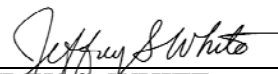
4 15 U.S.C. § 78u-4 requires any member of the purported class who seeks to be
5 appointed lead plaintiff to file a motion by no later than sixty days after the notice is provided
6 by the plaintiff or plaintiffs in the first filed action. *See* 15 U.S.C. § 78u-4(a)(3)(A). However,
7 when there is more than one action on behalf of a class asserting substantially the same claim or
8 claims, the Court may not adjudicate motions to be appointed lead counsel until after it renders
9 a decision on a motion to consolidate. *See* 15 U.S.C. § 78u-4(a)(3)(B). As noted above, the
10 Court cannot determine whether all the actions should be consolidated unless and until all
11 actions are pending in the Northern District of California and have been related to this Court.

12 Therefore, the Court HEREBY VACATES the hearing set for May 18, 2007 on the
13 pending motions to be appointed lead plaintiff. Within one week after rulings in both of the
14 New York cases are issued on the pending motions to transfer, the parties are directed to advise
15 this Court of the rulings. Thereafter, any party who seeks to have the cases in this district
16 related and/or consolidated, shall file an administrative motion to relate the cases and a motion
17 or stipulation to consolidate the cases. After the Court has determined whether the cases should
18 be related and/or consolidated, the Court will reset a hearing on the pending motions to be
19 appointed lead plaintiff.

20 In the interim, the Court issues the following briefing schedule with respect to the
21 pending motions to be appointed lead plaintiff: any opposition to these motions shall be filed by
22 no later than Wednesday, April 25, 2007 and all reply briefs, if any, shall be filed by no later
23 than Wednesday, May 2, 2007. If the parties wish to modify this schedule, they may submit for
24 the Court's consideration a stipulation and proposed order demonstrating good cause for any
25 modification requested.

26 **IT IS SO ORDERED.**

27 Dated: April 10, 2007

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JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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